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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CALVIN GAINES,

Plaintiff-Counterclaim Defendant,

-v-

ROB FUSARI, ROB FUSARI
PRODUCTIONS, LLC,

Defendants-Third Party Plaintiffs,

v.

STEFANI GERMANOTTA aka LADY
GAGA,

Third-Party Defendant.

**Civil Action No. 11-CV-4433
(WJM/MF)**

**DEFENDANTS' STATEMENT OF MATERIAL FACTS IN REPLY TO THIRD
PARTY DEFENDANT STEFANI GERMANOTTA'S STATEMENT OF
MATERIAL FACTS NOT IN DISPUTE**

Pursuant to Local Rule 56, the Defendants, Rob Fusari ("Fusari") and Rob Fusari Productions, LLC (collectively, "the Defendants"), submit this Statement of Material Facts in Dispute in opposition to the Motion for Summary Judgment filed by the Third Party Defendant, Stefani Germanotta ("Germanotta"):

1.

[REDACTED]

Admit.

2.

[REDACTED]

[REDACTED]

Admit.

3. No later than June 10, 2010, the Fusari Parties became aware that plaintiff Calvin Gaines (“Gaines”) claims to have been a coauthor and co-producer of certain works co-written by Fusari and Germanotta (the “Subject Works”) by virtue of his “history of musical collaboration” with Fusari.

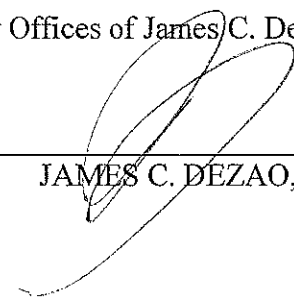
Qualify. Admit that, on or about June 10 and September 16, 2010, Gaines' notified "Fusari of his failure to credit Plaintiff as a co-author of the Compositions or as a co-producer of the Masters and demanded that [] Fusari provide him with accountings and payments" (Complaint, ¶41). Deny that the phrase "history of musical collaboration" appears anywhere in the documents Germanotta cites in support of this claim.

4. The claims asserted by the Fusari Parties in the current action are claims that could have been asserted by the Fusari Parties as of August 25, 2010.

Deny. This statement impermissibly states a legal conclusion not supported by the cited documents. Indeed, these documents only provide that, on June 10 and September 16, 2010, Fusari was notified by Gaines of an alleged failure of Fusari to credit Gaines as co-author of the specified recordings (Complaint, ¶41); they do not speak to a cause of action the Defendants had against Germanotta for contribution/indemnity once Gaines brought a claim.

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Dated: 10/22/12

By: 
JAMES C. DEZAO, ESQ.